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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/577,278

04/24/2006

Roland Oehmann

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7590

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REISING, ETHINGTON, BARNES, KISSELLE, P.C.

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EXAMINER

CALLAWAY, JADE R

ART UNIT

PAPER NUMBER

2872

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DELIVERY MODE

02/26/2009

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No. 10/577,278	Applicant(s) OEHMANN, ROLAND	
	Examiner JADE R. CALLAWAY	Art Unit 2872	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 27 January 2009.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 5-13 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 5-13 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 24 April 2006 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☒ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Continued Examination Under 37 CFR 1.114

1. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 1/27/09 has been entered.

Response to Amendment

2. The amendments to the claims, in the submission dated 1/27/09, are acknowledged and accepted.

Response to Arguments

3. Applicant's arguments with respect to claims 5-13 have been considered but are moot in view of the new ground(s) of rejection.

4. The Examiner notes that the Official Notice taken in Section 5 of the Office Action dated 10/27/08 (See specifically Claim 5) has been taken to be admitted prior art since Applicants failed to seasonably traverse the assertion of Official Notice (See MPEP 2144.03).

5. Additionally, Lynam et al. (6,019,475) teaches multiple elements that are electrically connected to a mutual power source [col. 8, lines 16-42]. Linking multiple elements to the same power source reduces the size and cost of a device.

Claim Rejections - 35 USC § 103

6. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

7. Claim 5 is rejected under 35 U.S.C. 103(a) as being unpatentable over Macher et al. (6,286,983) in view of Taguchi et al. (JP 60-193739 A).

Consider claim 5, Macher et al. disclose (e.g. figures 1 and 9) a vehicular external mirror module comprising: a mirror housing (52, casing); a mirror glass (58, mirror layer) housed within the mirror housing, the mirror glass including a non-mirrored surface (59, free space) facing out of the mirror housing and a mirrored surface (right and left edges) facing into the mirror housing; and a film (5, electroluminescent film) fixedly secured to the mirror surface of the mirror glass, said film including an integrated luminescent film (5, electroluminescent film) for emitting light out from the luminescent film through the mirror glass [col. 4, lines 33-67, col. 5, lines 1-18, col. 8, lines 25-67, col. 9, lines 1-50]. However, Macher et al. do not disclose that the combination film also includes a heating web integrally formed with the combination film to heat the mirror glass, the heating web electrically connected to the integrated luminescent film such that power transmitted to the combination film is used by the integrated luminescent film and the heating web. Macher et al. and Taguchi et al. are related as vehicle mirror devices. Taguchi et al. teach (e.g. figures 1-4) a heating film (1, metallic film) electrically connected (via electrodes) to a power source [abstract]. Official Notice is

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taken. Although the prior does not specifically disclose that the luminescent film and the heating web are connected such that power used by the luminescent film is also used by the heating web, it is well known that multiple elements can be electrically connected to a mutual power source to reduce the amount of elements needed; thereby reducing size and cost of a device. It would have been obvious to a person of ordinary skill in the art at the time the invention was made to modify the device of Macher et al., as taught by Taguchi et al., in order to clear the mirrors of frozen or liquid debris for viewing purposes. Additionally, note that the combination film is taken to be the collective layers of the luminescent film and the heating web as disclosed by the prior art references Macher et al. and Taguchi et al.

8. Claims 6-13 are rejected under 35 U.S.C. 103(a) as being unpatentable over Macher et al. (6,286,983) in view of Taguchi et al. (JP 60-193739 A) as applied to claim 5 above, and in further view of Muth et al. (5,788,357).

Consider claim 6, the modified Macher et al. reference does not disclose a transmitted light orientation film disposed between the mirror glass and the combination film to direct the light emitted by the integrated luminescent film. Macher et al., Taguchi et al. and Muth et al. are related as mirror assemblies. Muth et al. teach (e.g. figure 6) a transmitted light orientation film (70, light control optical element) disposed between a mirror glass (60, mirror) and a light emitting portion (122, LEDS) [col. 5, lines 46-67, col. 6, lines 1-13]. It would have been obvious to a person of ordinary skill in the art at the time the invention was made to modify the device of the modified Macher et al.

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reference, as taught by Muth et al., in order to provide a mirror assembly which can be manufactured in a cost effective fashion with improved performance characteristics.

Consider claim 7, the modified Macher et al. reference discloses (e.g. figure 6 of Muth et al.) a vehicular external mirror module wherein a portion of the mirrored surface (60, mirror) is partially transparent (semi-transparent) [col. 5, lines 46-67, col. 6, lines 1-13 of Muth et al.].

Consider claim 8, the modified Macher et al. reference discloses (e.g. figures 1 and 9 of Macher et al. and figure 6 of Muth et al.) a vehicular external mirror wherein the integrated luminescent film (5 of Macher et al.) and the transmitted light orientation film (70 of Muth et al.) are disposed adjacent the mirrored surface (60) that is partially transparent (semi-transparent) [col. 5, lines 46-67, col. 6, lines 1-13 of Muth; col. 4, lines 33-67, col. 5, lines 1-18, col. 8, lines 25-67, col. 9, lines 1-50 of Macher et al.].

Consider claim 9, the modified Macher et al. reference discloses (e.g. figures 1 and 9 of Macher et al.) a vehicular external mirror module wherein the integrated luminescent film (5, electroluminescent film) is substantially planar.

Consider claim 10, the modified Macher et al. reference discloses (e.g. figure 6 of Muth et al.) a vehicular external mirror wherein the transmitted light orientation film (70, light control optical element) is substantially planar.

Consider claim 11, the modified Macher et al. reference discloses (e.g. figure 6 of Muth et al.) a vehicular external mirror module wherein the transmitted light orientation film (70, light control optical element) includes a plurality of microlamellae (74,

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microlouvers) to direct the light emitted by the luminescent film [col. 5, lines 46-67, col. 6, lines 1-13 of Muth et al.].

Consider claim 12, the modified Macher et al. reference discloses (e.g. figure 6 of Muth et al.) a vehicular external mirror module wherein each of the plurality of microlamellae (74, microlouvers) are parallel to each other [col. 5, lines 46-67, col. 6, lines 1-13 of Muth et al.].

Consider claim 13, the modified Macher et al. reference discloses (e.g. figure 6 of Muth et al.) a vehicular external mirror module wherein each of the plurality of microlamellae (74, microlouvers) defines a thickness [col. 5, lines 46-67, col. 6, lines 1-13 of Muth et al.]. However, the modified Macher et al. reference does not disclose that the thickness is approximately one hundredth of a millimeter. Note that the Court has held that where the general conditions of a claim are disclosed in the prior art, it is not inventive to discover the optimum or workable ranges by routine experimentation; see **In re Aller, 220 F.2d 454, 456, 105 USPQ 233, 235**. It would have been obvious to a person of ordinary skill in the art at the time the invention was made to have the thickness of the microlamellae be approximately one hundredth of a millimeter, in order to orient and direct the light emitted by a light assembly along desired lines of sight.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to JADE R. CALLAWAY whose telephone number is (571)272-8199. The examiner can normally be reached on Monday to Friday 7:00 am - 4:30 pm est.

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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Stephone B. Allen can be reached on 571-272-2434. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

JRC
/JADE R. CALLAWAY/
Examiner, Art Unit 2872

/Arnel C. Lavarias/
Primary Examiner, Art Unit 2872